

MALDIVES 2018 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution designates Islam as the state religion, requires citizens to be Muslim, and requires public office holders, including the president, to be followers of Sunni Islam. The constitution provides for limitations on rights and freedoms “to protect and maintain the tenets of Islam.” The law states both the government and the people must protect religious unity. Propagation of any religion other than Islam is a criminal offense. The law criminalizes “criticism of Islam” and speech “in a manner likely to cause religious segregation.” Antiterror legislation bans the promotion of “unlawful” religious ideologies. The penal code permits the administration of certain sharia punishments, such as stoning and amputation of hands. In November the parliament repealed the Anti-Defamation Act, which had criminalized expression deemed to be at odds with Islamic tenets. In July then President Abdulla Yameen publicly stated his government intended to impose harsh legal punishment against individuals who insulted Islam, including stripping them of state benefits. In April then Minister of Defense and National Security Adam Shareef Umar said the government would not allow religions other than Islam in the country. Also in April the Ministry of Islamic Affairs (MIA) published a policy paper proposing financial penalties and either prison or house arrest for individuals who insult Islam. In September police destroyed a semi-submerged sculpture gallery installed by a resort after a court ruled the installation posed a threat to “Islamic unity and the peace and interests of the Maldivian state.” In February the Civil Service Commission dismissed a teacher and a school janitor for refusing to take off their *niqabs* in compliance with civil service dress code guidelines. The MIA continued to maintain control over all matters related to religious affairs, including requiring imams to use government-approved sermons in Friday prayers. The government continued to prohibit resident foreigners and foreign tourists from practicing any religion other than Islam in public.

Nongovernmental organizations (NGOs) stated that religiously motivated violent extremists continued to target other individuals on social media, including employees of human rights organizations, and label them “secularists.” They also reported continued community pressure on women to wear a hijab. In April police briefly arrested a male taxi driver who threatened to kill a woman for not wearing a hijab but did not press charges. In May a woman moved away from her island due to harassment after appearing in an online video speaking about societal pressure to wear the hijab and her wish to remove it. NGO representatives also stated they

continued to see a rise in what they termed Islamic radicalism and fundamentalism among the populace, asserting the government actively encouraged this trend.

There is no permanent U.S. diplomatic presence in the country, but the U.S. Ambassador to Sri Lanka is also accredited to the country, and U.S. Embassy Colombo staff represent U.S. interests there. In meetings with government officials in both Colombo and Male, embassy officials regularly encouraged the government to be more tolerant of religious traditions other than Sunni Islam and to ease restrictions preventing non-Sunnis from practicing freely.

Section I. Religious Demography

The U.S. government estimates the total population at 392,000 (July 2018 estimate). The government estimates there are an additional 81,600 documented and 63,000 undocumented foreign workers in the country, mostly from Bangladesh, Sri Lanka, India, and Pakistan. While the vast majority of citizens follow Sunni Islam, there are no reliable estimates of actual religious affiliations. Foreign workers are predominantly Muslims, Buddhists, Hindus, and Christians.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution states the country is a republic based on the principles of Islam and designates Islam as the state religion, which it defines in terms of Sunni teachings. It states citizens have a “duty” to preserve and protect Islam. According to the constitution, non-Muslims may not obtain citizenship.

The constitution states citizens are free to engage in activities “not expressly prohibited” by sharia, but it stipulates the Majlis (the country’s legislative body) may pass laws limiting rights and freedoms “to protect and maintain the tenets of Islam.” In making a decision on whether a limitation on a right or freedom is constitutional, the constitution states a court must consider the extent to which the right or freedom “must be limited” to protect Islam.

The constitution makes no mention of freedom of religion or belief. Although it contains a provision prohibiting discrimination “of any kind,” it does not list religion as a prohibited basis for discrimination. The constitution states individuals have a right to freedom of thought and expression, but only in a manner “not contrary to tenets of Islam.”

The law prohibits the conversion of a Muslim to another religion (i.e., apostasy). By law, a violation may result in the loss of the convert's citizenship, although a judge may impose a harsher punishment per sharia jurisprudence.

The Religious Unity Act states both the government and the people must protect "religious unity." Any statement or action found to be contrary to this objective is subject to criminal penalty. Specific infractions include expressing religious beliefs other than Islam, disrupting religious unity, and having discussions or committing acts that promote religious differences. The list of infractions also includes delivering religious sermons in a way that infringes upon the independence and sovereignty of the country or limiting the rights of a specific section of society. According to the law, sentences for violators may include a fine of up to 20,000 rufiyaa (\$1,300), imprisonment for two to five years, or deportation for foreigners.

In November the parliament repealed the Anti-Defamation Act, which had criminalized expression deemed to be at odds with Islamic tenets. Other laws continue to criminalize speech breaking Islamic tenets, breaching social norms, or threatening national security. The penal code criminalizes "criticism of Islam." According to the law, a person commits the offense of "criticizing Islam" by "engaging in religious oration or criticism of Islam in public or in a public medium with the intent to cause disregard for Islam; producing, selling, or distributing material criticizing Islam; producing, selling, distributing, importing, disseminating, or possessing 'idols of worship'; and/or, attempting to disrupt the religious unity of the citizenry and conversing and acting in a manner likely to cause 'religious segregation.'" Individuals convicted of these offenses are subject to imprisonment for up to one year.

By law, no one may deliver sermons or explain religious principles in public without obtaining a license from the MIA. Imams may not prepare Friday sermons without government authorization. To obtain a license to preach, the law specifies an individual must be a Sunni Muslim, have a degree in religious studies, and not have been convicted of a crime in sharia court. The law also sets educational standards for imams to ensure they have theological qualifications the government considers adequate. Government regulations stipulate the requirements for preaching and contain general principles for the delivery of religious sermons. The regulations prohibit statements in sermons that may be interpreted as racial or gender discrimination, discourage access to education or health services in the name of Islam, or demean the character of and/or create hatred toward persons of

any other religion. The law provides for a punishment of two to five years in prison or house arrest for violations of these provisions. Anyone who assists in such a violation is subject to imprisonment or house arrest for two to four years and a fine of 5,000-20,000 rufiyaa (\$320-\$1,300). The law requires foreign scholars to ensure their sermons conform to the country's norms, traditions, culture, and social etiquette.

Propagation of any religion other than Islam is a criminal offense, punishable by two to five years in prison or house arrest. Proselytizing to change denominations within Islam is also illegal and carries the same penalty. If the offender is a foreigner, authorities may revoke the individual's license to preach in the country and deport the individual.

By law, mosques and prayer houses remain under the control of the MIA rather than the country's island councils. The law prohibits the establishment of places of worship for non-Islamic religious groups.

The law states, "Non-Muslims living in or visiting the country are prohibited from openly expressing their religious beliefs, holding public congregations to conduct religious activities, or involving Maldivians in such activities." By law, those expressing religious beliefs other than Islam face imprisonment of up to five years or house arrest, fines ranging from 5,000 to 20,000 rufiyaa (\$320 to \$1,300), and deportation.

By law, a female citizen may not marry a non-Muslim foreigner unless he first converts to Islam. A male citizen may marry a non-Muslim foreigner if the foreigner is Christian or Jewish; other foreigners must convert to Islam prior to marriage.

The law prohibits importation of any items the MIA deems contrary to Islam, including religious literature, religious statues, alcohol, pork products, and pornographic materials. Penalties for contravention of the law range from three months to three years imprisonment. It is against the law to offer alcohol to a citizen, although government regulations permit the sale of alcoholic beverages on resort islands. Individuals may request permission to import restricted goods from the Ministry of Economic Development.

The constitution states education shall strive to "inculcate obedience to Islam" and "instill love for Islam." In accordance with the law, the MIA regulates Islamic instruction in schools, while the Ministry of Education funds salaries of religious

instructors in schools. By law, educators who teach Islamic studies must have a degree from a university or teaching center accredited by the Maldives Qualification Authority or other religious qualification recognized by the government. By law, foreigners who wish to teach Islamic studies may receive authorization to do so only if they subscribe to Sunni Islam. Islam is a compulsory subject for all primary and secondary school students. The curriculum incorporates Islam into all subject areas at all levels of education, specifying eight core competencies underpinned by Islamic values, principles, and practices.

The constitution states Islam forms one basis of the law, and “no law contrary to any tenet of Islam shall be enacted.” The constitution specifies judges must apply sharia in deciding matters not addressed by the constitution or by law.

The penal code prescribes flogging for a small number of crimes, including adultery and fornication. Other sharia penalties are not specified, but the code grants judges the discretion to impose sharia penalties for *hudood* (serious crimes) listed in the Quran and *qisas* (retaliatory) offenses – including murder, apostasy, assault, theft, homosexual acts, drinking alcohol, and property damage – if proven beyond all doubt. The penal code requires all appeal processes be exhausted prior to the administration of sharia punishments specific to *hudood* and *qisas* offenses, including stoning, amputation of hands, and similar punishments.

The Supreme Council of Fatwa has the authority to issue fatwas, or legal opinions, on religious matters. The council functions under the MIA and comprises five members appointed to five-year terms. The president names three members directly and chooses a fourth from the faculty of either the Maldives National University or the Islamic University of Maldives. The minister of Islamic affairs recommends the fifth member, subject to the president’s approval.

Antiterror legislation states that “unlawfully” promoting any religious, political, or other ideology is a crime.

The constitution stipulates the president, cabinet ministers, members of parliament, and judges must be Sunni Muslims.

The country is a party to the International Covenant on Civil and Political Rights (ICCPR), with a reservation stating the government’s application of the principles set out in ICCPR Article 18, which relates to religious freedom, shall be “without prejudice to the Constitution of the Republic of Maldives.”

Government Practices

Police reported they had investigated 19 cases of suspected “black magic” during the year. Although no law defined or addressed the practice of black magic, police included it in warrants as a basis for making arrests. Police forwarded 10 such cases to the Prosecutor General’s Office, which subsequently filed charges in each case. Authorities charged suspects in all of these cases with smuggling and possession of items contrary to the tenets of Islam.

Observers reported several cases in which the Family Court refused to register children if one of the parents was a non-Muslim. Although there is no legal statute that expressly prohibits the marriage of Muslim men to Christian or Jewish women, the court reportedly argued citizens could neither marry non-Muslims nor have children with them. The government does not issue birth certificates or identity cards to unregistered children, but such documents are required for admittance to schools or for government services.

According to media reports and NGOs, courts sentenced individuals to flogging for committing fornication and consuming alcohol but did not impose sharia penalties for *hudood* and *qisas* offenses despite having the legal authority to do so.

After returning from exile in the Netherlands in November, the Maldives Police Service detained Aishath Velezinee, a former member of the Judicial Service Commission declared an apostate by the MIA in May 2017 for allegedly blasphemous remarks made on Facebook. Police released her to a local hospital the next day after family and NGOs argued she suffered from mental health issues. No charges had been filed as of December.

In February the Civil Service Commission dismissed a teacher and janitor in a school for refusing to remove their *niqabs* in compliance with civil service dress code guidelines. The guidelines require civil servants to be dressed in a manner that makes them easily identifiable. In February 2017, religious rights NGO Jamiyyatul Salaf challenged the constitutionality of the ban on the *niqab* for civil servants. The case was pending in the High Court as of October 18.

In April police questioned Shahinda Ismail, executive director of the Maldivian Democracy Network, for a second time concerning a December 2017 tweet in which she had stated, “religions other than Islam exist in the world because Allah made it possible.” Ismail had been responding to a statement by then President Yameen that he would not allow any religion but Islam in the country. Police

launched an investigation in December 2017 after articles in *Vaguthu*, an online news site closely linked to the government, denounced Ismail for “indirectly calling to allow other religions in the Maldives.” Concurrently, the MIA issued a statement saying, “Allah does not accept any other religion but Islam. And he has said anyone who believes any other religion than Islam will be amongst the perishable on Judgment Day. So we remind you to reassert yourself in religion. Let’s strengthen the belief of citizens of our 100 percent Muslim country that Islam is Allah’s religion as written in the Quran. We caution and remind every Maldivian citizen to stop spreading unnecessary sayings in our society that imply giving space for any other faiths but Islam.” Ismail subsequently received death threats on social media.

In September police destroyed a semi-submerged sculpture gallery installed by Fairmont Maldives Sirru Fen Fushi resort after the courts ruled the installation posed a threat to “Islamic unity and the peace and interests of the Maldivian state,” citing a prohibition on the worship of idols and arguing the life-like human statues were idols.

The Communications Authority of Maldives (CAM) continued to maintain an unpublished blacklist of websites containing material it deemed un-Islamic or anti-Islamic. The CAM stated it did not proactively monitor internet content but instead relied on requests from ministries and other government agencies to block websites violating laws against criticism or defamation of Islam. Police reported investigating one website for un-Islamic content but did not file any charges.

The MIA controlled all matters relating to religion and religious belief and required imams to use government-approved sermons in Friday prayers. The government maintained its ownership and control of all mosques, including their maintenance and funding. The government continued to permit private donors to fund mosques as well.

In April the MIA released a policy paper announcing intentions to strengthen the legal framework and address policy gaps around apostasy, “mockery” of Islam, and foreign terrorist fighters. The paper declared the biggest challenges for the country included apostasy; openly mocking, demeaning, or undermining Islam; and going to war or assaulting individuals with differing viewpoints in the name of religion. It declared apostates should be “removed from society for a certain period” without parole, clemency, or any leniency to their sentence, while those who mock Islam must be placed on house arrest or fined. It also declared apostates and those who mock Islam must be deprived of all state benefits except a pension,

including state-provided health insurance, land rights, housing subsidies, and low-interest loans. Observers noted while the paper highlighted the issue of increased hate speech and violence against "individuals with different views," it also labeled these voices as "extremists" and equated undefined "mockery of Islam" to fundamentalist rhetoric and the issue of foreign terrorist fighters, which could exacerbate the threats faced by secular bloggers.

In a July 3 campaign speech, then President Yameen made statements suggesting the political opposition would undermine Islam. He argued his administration would be the only government to protect Islam, while the opposition would collaborate with the international community to allow unlimited freedom of speech to undermine Islam. Yameen said youth on social media regularly insulted Islam and the prophet: "Aren't our Maldivian youth on social media doing this beyond what non-Muslims are doing? Is this how far freedom of speech can be stretched? In my government, I want to give the harshest legal punishment for such people. And if there aren't laws, this has to be stopped even if we have to make laws...my government will now allow this freedom...this is what you must keep in mind ahead of the September 23 [presidential election] vote." Yameen also said nonbelievers must be stripped "of any kind of benefits," echoing an April policy paper from the MIA that proposed financial penalties and prison terms for apostates. Observers stated the president's statements continued to impact civil and political discourse and increased the risk of attacks against others labeled "secularists" or "apostates" on social media.

Speaking at an April 14-16 international seminar organized by the MIA, then Defense Minister Adam Shareef Umar reiterated the government would not allow religions other than Islam in the country. "We are facing challenges in promoting Islam and because Maldivians follow Islam. However, we can't allow for religious freedom in the Maldives. The Maldives will remain a country with moderate Islamic values prioritizing development and peace," Shareef told the gathering of scholars representing the Organization of Islamic Countries, Arab League, and prominent Islamic universities in Egypt, Pakistan, and Malaysia. During the seminar, scholars presented papers on disunity among Islamic societies and on religious and ideological differences among Muslims.

According to the MIA, foreign residents, such as teachers and laborers and tourists, remained free to worship as they wished in private, but congregating in public for non-Islamic prayer remained illegal, as was encouraging local citizens to participate in such activities. The government continued to permit foreigners, including non-Muslims, to attend local Sunni mosques.

Customs authorities said the MIA continued to permit the importation of religious literature, such as Bibles, for personal use. The MIA also continued to allow some religious literature for scholarly research. The ministry continued to restrict the sale of religious items, including Christmas cards, to resort islands patronized by foreign tourists. Customs officials reported there were no cases involving importation of religious idols, statues, and Christian crosses during the year.

The MIA continued to conduct what it termed “awareness programs” through radio and television broadcasts in Male and on various islands to give citizens information on Islam, and it continued to provide assistance and counseling to foreigners seeking to convert to Islam. The ministry, in partnership with religious NGOs, continued to send imams to outer atolls to conduct workshops for students, youth, and other groups in schools and government buildings for the stated purpose of strengthening the islanders’ understanding and acceptance of Islam.

The National Institute of Education continued to implement a curriculum for public and private schools incorporating Islam into all subject areas. According to NGOs and other observers, passages in some of the textbooks portrayed democracy as being anti-Islam, encouraged anti-Semitism and xenophobia, glorified jihad, and demonized the West. The MIA continued to permit foreign nationals to opt out of Islamic instruction as a stand-alone subject. The MIA also stated it continued to permit foreigners to raise their children to follow any religious teaching they wished, but only in private.

Section III. Status of Societal Respect for Religious Freedom

NGOs reported continued community pressure on women to wear veils and harassment of women who chose not to do so. In January local media published reports concerning the stigma faced by women who chose to remove their veils. In April police briefly arrested a male taxi driver who threatened to kill a woman for not wearing a hijab. The woman told media the man had produced a police identity card, but police did not confirm whether the man was a police officer. Police released the man within hours without charges. In May a popular travel blogger blocked his Facebook page in the country after a young woman was harassed for appearing in one of his videos speaking about societal pressure to wear the hijab and her wish to take it off. Although she appeared with her face covered, local media identified her by name and she relocated from her home island due to continuous harassment.

In January a small group verbally harassed two Buddhist monks for wearing their robes on a public street in Male City. Police intervened to escort the monks back to their hotel for safety but took no action against the harassers.

In January the Ministry of Education reported that parents of secondary school students had submitted complaints over the inclusion of the names of Roman gods in a grade eight textbook. Parents said the lesson covering the naming of the planets in the solar system encouraged polytheism and weakened the religious beliefs of their children. The ministry reported receiving similar complaints in 2017, but the schools continued to teach the lessons after explaining planets were named after gods in Roman and Greek mythology.

The trial of seven men for the April 2017 killing of blogger Yameen Rasheed, a critic of religious fundamentalism and violent extremism, remained pending at year's end.

NGOs reported numerous instances of secular bloggers receiving death threats, being cyberbullied, and being followed on the street by individuals with records as criminal gang members. Victims said they felt vulnerable because of the lack of police responsiveness to their complaints and because similar occurrences had preceded the 2014 disappearance of journalist Ahmed Rilwan and the 2017 killing of blogger Yameen Rasheed.

Section IV. U.S. Government Policy and Engagement

There is no permanent U.S. diplomatic presence in the country, but the U.S. Ambassador to Sri Lanka is accredited to the country, as are many of the embassy's staff. The embassy also maintained an American Center in Male in partnership with the National Library of Maldives. Embassy staff conducted all engagement with the government through travel to the country or interaction with government officials based in Colombo. In meetings throughout the year, embassy officials continued to encourage the government to be more tolerant of religious traditions other than Sunni Islam, to ease restrictions preventing individuals other than Sunni Muslims from practicing their religions freely, and to cease the government's derogatory statements about other religious traditions. Embassy officials also expressed concern regarding anti-Semitic and antidemocratic rhetoric in textbooks and societal harassment and violent attacks on secular bloggers.